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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 242/2018**

REKHA KAPOOR

..... Plaintiff

Through: Mr. Ranvir Singh, Adv.

versus

VARUN RAI KAPOOR

..... Defendant

Through: Ms. Meghna Mishra and Mr. Rohit
Tripathy, Advocates

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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05.04.2024

I.A.7621/2024(under Order XXIII Rule 3 CPC)

1. The present application has been filed for modification of the Judgement and Decree dated 27.03.2019.
2. It is submitted in the application that some differences *inter se* the parties had arisen in regard to the ownership of the Suit Property bearing No. 208, Block no. 172 Jor Bagh, New Delhi, for which the present Suit for Permanent Injunction was instituted.
3. The parties were referred to Delhi High Court Mediation and Conciliation Centre where the matter was amicably settled in terms of the family Settlement Agreement dated 23.01.2019 read with Addendum to the Family Settlement Agreement dated 05.02.2019 *inter se* the parties.
4. On the joint application of both the parties under under Order XXIII Rule 3 CPC, the Suit was decreed in terms of the Family Settlement and the



Addendum.

5. It was agreed in the Family Settlement dated 27.03.2019, that the property shall be divided between the plaintiff and the defendant in the ratio of 40% and 60% respectively. Further, the Family Settlement also imposed a bar on creation of a third party interest till the issuance of Completion Certificate by the designated Architects, to the Competent Authority.

6. Now, the parties jointly wish to bypass the redevelopment of the said property and wish to sell the said property. Therefore, the parties have entered into a further Compromise/Addendum dated 15.03.2024, which is annexed along with the application.

7. A prayer is therefore made that the Judgement and Decree dated 27.03.2019, be accordingly, modified.

8. **Submissions heard.**

9. The Decree had been passed on 27.03.2019 on the basis of the compromise *inter se* the parties. They may have chosen to modify their terms of settlement, which may be taken on record. The parties are at liberty to act in accordance with the subsequent Compromise/Addendum dated 15.03.2024.

10. The application is accordingly disposed of.

NEENA BANSAL KRISHNA, J

APRIL 5, 2024/PT